

LEGISLATIVE MINUTES

MARLBORO TOWNSHIP COUNCIL MEETING

MARCH 15, 2005

The Marlboro Township Council held a regularly scheduled Council meeting on March 15, 2005 at 8:00 P.M. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey.

Council President Pernice opened the meeting and announced that pursuant to the provisions of the Open Public Meetings Act, notice of this regular meeting of the Township Council of the Township of Marlboro was faxed to the Asbury Park Press, the Star Ledger and News Transcript on January 7, 2005; faxed to the Board of Education Office; posted on the Bulletin Board of the Municipal Building and filed in the office of the Municipal Clerk.

The Clerk called the Roll.

PRESENT: Councilman Cantor, Councilman Denkensohn, Councilman Mione, Council Vice President Morelli and Council President Pernice.

Also present were: Mayor Robert Kleinberg, Andy Bayer, Esq., Business Administrator Judith Tiernan, Municipal Clerk Alida DeGaeta and Deputy Clerk Deborah Usalowicz.

Councilman Denkensohn moved that the minutes of February 3, 2005 be approved. This motion was seconded by Councilman Mione and the minutes were passed on a roll call vote of 5 - 0 in favor.

Councilman Denkensohn moved that the minutes of February 9, 2005 be approved. This motion was seconded by Councilman Mione and the minutes were passed on a roll call vote of 4 - 0 in favor with Councilman Mione abstaining.

Township Engineer James Priolo gave an overview of the project. Council President Pernice opened the Public Hearing on Resolution # 2005-117 (DEP Green Acres Grant). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-117 (DEP Green Acres Grant) was introduced by reference, offered by Councilman Denkensohn, seconded by Council Vice President Morelli and passed on a roll call vote of 5 - 0.

RESOLUTION # 2005-117

STATE OF NEW JERSEY DEPARTMENT OF ENVIRONMENTAL PROTECTION
GREEN ACRES ENABLING RESOLUTION

WHEREAS, the New Jersey Department of Environmental Protection, Green Acres Program ("State"), provides loans and/or grants to municipal and county governments and grants to nonprofit organizations for assistance in the acquisition and development of lands for outdoor recreation and conservation purposes; and

WHEREAS, the Township of Marlboro desires to further the public interest by obtaining funding in the amount of \$1,950,000 from the State to fund the following project: Marlboro Township Park Improvements, Phase II at a cost of \$2,600,000;

NOW, THEREFORE, the governing body resolves that Judith A. Tiernan or the successor to the office of the Business Administrator is hereby authorized to:

- (a) make application for such a loan and/or such a grant,
- (b) provide additional application information and furnish such documents as may be required, and
- (c) act as the authorized correspondent of the above named applicant; and

WHEREAS, the State shall determine if the application is complete and in conformance with the scope and intent of the Green Acres Program, and notify the applicant of the amount of the funding award; and

WHEREAS, the applicant is willing to use the State's funds in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the State for the above named project;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED by the Township Council of the Township of Marlboro as follows:

1. That the Business Administrator of the above named body is hereby authorized to execute an agreement and any amendment thereto with the State known as Marlboro Township Park, Phase II;

2. That the applicant has its matching share of the project, if a match is required, in the amount of \$650,000.

3. That, in the event the State's funds are less than the total project cost specified above, the applicant has the balance of funding necessary to complete the project;

4. That the applicant agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project; and

5. That this resolution shall take effect immediately.

- a. State of New Jersey Department of Environmental Protection, Green Acres Program
- b. Township Business Administrator
- c. Township Chief Financial Officer
- d.

The following Resolution # 2005-129 (Bond Release Solomon Schechter School) was introduced by reference, offered by Councilman Mione, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor. (Absent: Denkensohn).

RESOLUTION # 2005-129

RESOLUTION AUTHORIZING THE RELEASE OF THE PERFORMANCE BOND AND CASH BOND FOR THE SOLOMON SCHECHTER DAY SCHOOL PROJECT

WHEREAS, in accordance with N.J.S.A. 40:55D-53, the Township of Marlboro received a request by Solomon Schechter Day School for the release of the Performance Bond and Cash Bond being held by the Township for the Solomon Schechter Day School Project; and

WHEREAS, the Mayor and Township Council of the Township of Marlboro have received and reviewed a report from the Township Engineer dated February 22, 2005 (the "Engineer's Report"), a copy of which is attached hereto and made a part hereof; and

WHEREAS, the Engineer's Report recommends the release of the Performance Bond and Cash Bond being held by the Township conditioned upon the payment of all fees required by the Developer's Agreement; and

WHEREAS, the Township Council now desires to take the following action regarding the aforesaid Performance Bond and Cash Bond.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro, County of Monmouth, State of New Jersey, that the Performance Bond and Cash Bond posted for the Solomon Schechter Day School Project shall each be released in their entirety; and

BE IT FURTHER RESOLVED, that the release of the aforesaid Performance Bond and Cash Bond shall be conditioned upon the payment of all fees required by the Developer's Agreement; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Solomon Schechter Day School
- b. First Indemnity of America Insurance Co.
- c. Township Engineer
- d. Chief Financial Officer
- e. Gluck Walrath, LLP

At 9:30PM, Councilman Denkensohn moved that the meeting go into executive session for reason of discussing litigation and COAH. This was seconded by Council President Pernice, and as there was no objection, the Clerk was asked to cast one ballot. Recess was called and the executive session commenced at 9:35 PM.

RESOLUTION # 2005-141

WHEREAS, it is determined by the governing body of the Township of Marlboro that it is necessary on the 15th day of March, 2005 to go into executive session for the purpose of discussing those items that are particularly exempted from the Open Public Meetings Act, namely, litigation and COAH.

BE IT FURTHER RESOLVED that the governing body shall adjourn to executive session for the purpose of discussing said aforementioned items and that such executive session should take approximately 45 minutes. Those items discussed in executive session shall remain confidential until such time as confidentiality is no longer required. Action may be taken following the executive session.

At 10:20 AM, Council Vice President Morelli moved that the meeting be opened. This was seconded by Councilman Denkensohn, and as there was no objection, the Clerk was asked to cast one ballot.

Council President Pernice opened the Public Hearing on Ordinance # 2005-3 (Amending Chapter 4 & 84 - Historic Preservation). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-118/Ord. # 2005-3 (Amending Chapter 4 & 84 - Historic Preservation) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2005-118

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-3

AN ORDINANCE REPEALING SECTIONS 4-110 THROUGH 4-112 OF CHAPTER 4, "ADMINISTRATION OF GOVERNMENT", ARTICLE XVI, "DEPARTMENT OF COMMUNITY RELATIONS" AND ADOPTING A NEW ARTICLE ENTITLED CHAPTER 84 "LAND USE DEVELOPMENT AND REGULATIONS", ARTICLE IX, "HISTORIC PRESERVATION"

which was introduced on February 3, 2005, public hearing held March 15, 2005, be adopted on second and final reading this 15th day of March, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Pernice opened the Public Hearing on Ordinance # 2005-4 (Amending Code - Code of Ethics). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-119/Ord. # 2005-4 (Amending Code - Code of Ethics) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Mione and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2005-119

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-4 (AS AMENDED)

AN ORDINANCE REPEALING SECTIONS 4-72 THROUGH 4-77 OF CHAPTER 4 "ADMINISTRATION OF GOVERNMENT," ARTICLE X "DEPARTMENT OF LAW" OF THE CODE OF THE TOWNSHIP OF MARLBORO AND AMENDING AND SUPPLEMENTING CHAPTER 14 "ETHICS, CODE OF"

which was introduced on February 17, 2005, public hearing held March 15, 2005, be adopted on second and final reading this 15th day of March, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Pernice opened the Public Hearing on Ordinance # 2005-5 (Amending Chapter 66 - Fire Prevention). As there was no one who wished to speak, the Public Hearing was closed. Discussion followed, after which the following Resolution # 2005-120/Ord. # 2005-5 (Amending Chapter 66 - Fire Prevention) was tabled to the April 7th agenda.

Council President Pernice opened the Public Hearing on Ordinance # 2005-6 (Establishing Speed limit - Willow Lane). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-121/Ord. # 2005-6 (Establishing Speed limit - Willow Lane) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2005-121

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-6

AN ORDINANCE ESTABLISHING THE SPEED LIMIT FOR WILLOW LANE, TOWNSHIP OF MARLBORO, NEW JERSEY IN ACCORDANCE WITH N.J.S.A. 39:4-98

which was introduced on February 17, 2005, public hearing

held March 15, 2005, be adopted on second and final reading this 15th day of March, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Pernice opened the Public Hearing on Ordinance # 2005-7 (Establishing Speed Limit - Conover Road). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-122/Ord. # 2005-7 (Establishing Speed limit - Conover Road) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2005-122

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-7

AN ORDINANCE ESTABLISHING THE SPEED LIMIT FOR CONOVER ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY IN ACCORDANCE WITH N.J.S.A. 39:4-98

which was introduced on February 17, 2005, public hearing held March 15, 2005, be adopted on second and final reading this 15th day of March, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Pernice opened the Public Hearing on Ordinance # 2005-8 (Establishing Speed Limit - Buckley Road). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-123/Ord. # 2005-8 (Establishing Speed limit - Buckley Road) was introduced by reference, offered by Councilman Cantor, seconded by Councilman Mione and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2005-123

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-8

AN ORDINANCE ESTABLISHING THE SPEED LIMIT FOR BUCKLEY ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY IN ACCORDANCE WITH N.J.S.A. 39:4-98

which was introduced on February 17, 2005, public hearing held March 15, 2005, be adopted on second and final reading this 15th day of March, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Pernice opened the Public Hearing on Ordinance # 2005-9 (Traffic Regulations - Kensington Gate). Public Hearing was held. Discussion followed, after which it was consensus of Council to follow up on the concerns brought forward by the resident who spoke. Motion to table Resolution # 2005-124/Ord. # 2005-9 (Traffic Regulations - Kensington Gate) was made by Council President Pernice, seconded by Councilman Cantor and passed on a roll call vote of 5 - 0 in favor of tabling.

Council President Pernice opened the Public Hearing on Ordinance # 2005-10 (Establishing Speed limits - Falson Lane & Ryan Road). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-125/Ord. # 2005-10 (Establishing Speed limits - Falson Lane & Ryan Road) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2005-125

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-10

AN ORDINANCE CONFIRMING THE SPEED LIMITS FOR FALSON LANE
AND RYAN ROAD, TOWNSHIP OF MARLBORO, NEW JERSEY IN
ACCORDANCE WITH N.J.S.A. 39:4-98

which was introduced on February 17, 2005, public hearing held March 15, 2005, be adopted on second and final reading this 15th day of March, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

Council President Pernice opened the Public Hearing on Ordinance # 2005-11 (2004-5 Salary Ordinance - Officers and Employees). As there was no one who wished to speak, the Public Hearing was closed. The following Resolution # 2005-126/Ord. # 2005-11 (2004-5 Salary Ordinance - Officers and Employees) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 (Absent: Denkensohn).

RESOLUTION # 2005-126

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-11

ORDINANCE FIXING THE SALARIES OF THE
OFFICERS AND EMPLOYEES OF THE
TOWNSHIP OF MARLBORO
2004/2005

which was introduced on February 17, 2005, public hearing held March 15, 2005, be adopted on second and final reading this 15th day of March, 2005.

BE IT FURTHER RESOLVED that notice of the adoption of this ordinance shall be advertised according to law.

The following Resolution # 2005-127/Ord. # 2005-13 (Amend Chapter 4 - Youth Exchange Advisory Committee) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-127

BE IT RESOLVED by the Township Council of the Township of Marlboro that an Ordinance entitled:

ORDINANCE # 2005-13

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 4-12 "STANDING COMMITTEES" OF CHAPTER 4 "ADMINISTRATION OF GOVERNMENT," ARTICLE II "COUNCIL" OF THE CODE OF THE TOWNSHIP OF MARLBORO

be introduced and passed on first reading and that the same be advertised according to law; and

BE IT FURTHER RESOLVED that the same be considered for final passage on April 7, 2005 at 8:00 p.m. at the Marlboro Municipal Complex, 1979 Township Drive, Marlboro, New Jersey, at which time all persons interested will be given an opportunity to be heard concerning said ordinance.

ORDINANCE # 2005-13

AN ORDINANCE AMENDING AND SUPPLEMENTING SECTION 4-12 "STANDING COMMITTEES" OF CHAPTER 4 "ADMINISTRATION OF GOVERNMENT," ARTICLE II "COUNCIL" OF THE CODE OF THE TOWNSHIP OF MARLBORO

WHEREAS, as codified in Section 4-12(C) of the Code of the Township of Marlboro, by Ordinance #2003-28, the Township Council established the Youth Exchange Advisory Committee as a special committee of the Township Council to oversee the administration, management and planning of the Youth Exchange Program between the Township of Marlboro and the Town of Johana, Toyama Prefecture, Japan; and

WHEREAS, the "Town of Johana" is now called "Nanto City" and the Township Council desires to amend Section 4-12(C) to reflect this name change; and

WHEREAS, Section 4-12(C) provides that the Township Council shall appoint a Chair of the Youth Exchange Advisory Committee; and

WHEREAS, the Township Council desires to amend Section 4-12(C) to clarify that the term of the Chair of the Youth Exchange Advisory Committee shall be one (1) year.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Township Council of the Township of Marlboro, County of Monmouth and State of

New Jersey that Section 4-12 of Chapter 4 "Administration of Government," Article II "Council" is hereby amended as follows:

Subpart C(2) shall be amended to replace "the Town of Johana" with "Nanto City"; and

Subpart C(3)(d) shall be amended to include the following as the second sentence of the subpart: "The Chair shall serve for a term of one (1) year."

BE IT FURTHER ORDAINED, that if any section, paragraph, subsection, clause or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause or provisions so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, that any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon passage and publication in accordance with applicable law.

The following Resolution # 2005-128 (Appointing Members of Youth Exchange Advisory Committee and Chairperson) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-128

A RESOLUTION APPOINTING MEMBERS AND A CHAIRPERSON OF THE YOUTH EXCHANGE ADVISORY COMMITTEE

WHEREAS, as codified in Section 4-12(C) of the Code of the Township of Marlboro, by Ordinance #2003-28, the Township Council established the Youth Exchange Advisory Committee as a special committee of the Township Council to oversee the administration, management and planning of the Youth Exchange Program between the Township of Marlboro and the Town of Johana (renamed Nanto City), Toyama Prefecture, Japan; and

WHEREAS, pursuant to Section 4-12(C) of the Code of the Township of Marlboro, the Youth Exchange Advisory Committee is to consist of twelve (12) members appointed by the Township Council; and

WHEREAS, pursuant to Section 4-12(C), the Township Council shall appoint a Chairperson to act as the presiding officer of said Committee; and

WHEREAS, the Township Council desires to appoint members to the Youth Exchange Advisory Committee and to appoint a Chairperson.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the following appointments are made to the Youth Exchange Advisory Committee:

1. Hide Pece - Three year term
2. Rita Scalzo - Three year term
3. Paula Truppo - Three year term
4. Michael Wirin - Three year term
5. Cindy Sarna - Two year term
6. Jean Heinz - Two year term
7. Evelyn Semo - Two year term
8. Shital Rajan - Two year term
9. Jeff Cantor - One year term
10. JoAnn Denton - One year term
11. Sher Gouda - One year term; and

BE IT FURTHER RESOLVED that Hide Pece is hereby appointed the Chairperson of the Youth Exchange Advisory Committee for a term of one year.

The following Resolution # 2005-130 (Authorizing Professional Services Contract - Inspection Services - Tax Assessor) was tabled to the April 7th agenda. Business Administrator Judith Tiernan to provide additional history for Council.

The following Resolution # 2005-131 (Transfers) was introduced by reference, offered by Council Vice President Morelli, seconded by Councilman Mione and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-131

RESOLUTION AUTHORIZING BUDGET TRANSFERS
DURING FIRST THREE MONTHS
OF THE FISCAL YEAR

WHEREAS, N.J.S.A. 40A: 4-59 provides for appropriation transfers during the first three (3) months of the fiscal year, when it has been determined that it is necessary to expend for

any of the purposes specified in the budget an amount in excess of the sum appropriated therefore and where it has been further determined that there is an excess in any appropriation over the above the amount deemed to be necessary to fulfill the purpose of such appropriation,

NOW, THEREFORE BE IT RESOLVED, by the Township Council of the Township of Marlboro does hereby authorize the transfers among the Calendar Year 2004 Budget in accordance with the attached schedule:

CURRENT FUND		ACCOUNT #	AMOUNT FROM	AMOUNT TO
DEPARTMENT				
From:				
Salary Adjustment	S&W		275,000.00	
To:				
Landfill	OE			20,000.00
Municipal Clerk	S&W			1,500.00
Administration	S&W			6,500.00
Central Computer Office	S&W			2,000.00
Finance	S&W			8,000.00
Tax Assessor	S&W			2,500.00
Tax Collection	S&W			7,500.00
Public Information	S&W			3,000.00
Engineering	S&W			2,500.00
Planning Board	S&W			3,500.00
Zoning Board of Adjustment	S&W			9,000.00
Fire Prevention	S&W			5,000.00
Police	S&W			20,200.00
Emergency Management	S&W			5,300.00
Solid Waste / Recycling	S&W			1,500.00
Road Maintenance	S&W			52,000.00
Vehicle Maintenance	S&W			20,000.00
Grounds Maintenance	S&W			20,000.00
Parks & Recreation Functions	S&W			15,000.00
Public Works	S&W			8,000.00
Recreation	S&W			15,000.00
Municipal Court	S&W			12,000.00
911 Expenses	S&W			20,000.00
Legal	OE			15,000.00
			275,000.00	275,000.00

Motion to remove Resolution #2005-137 (Award of Contract - Mitchell Humphrey Software) was made by Council Vice President Morelli, seconded by Councilman Cantor and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

After discussion, the following Resolution #2005-137 (Award of Contract - Mitchell Humphrey Software) was offered by Council Vice President Morelli, seconded by Council President Pernice, and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION #2005-137

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO
MITCHELL HUMPHREY SOFTWARE FOR THE PURCHASE OF PERMIT AND
INSPECTION TRACKING SOFTWARE FOR THE TOWNSHIP OF MARLBORO
BUILDING DEPARTMENT

WHEREAS, it is necessary for the Township of Marlboro Building Department to purchase a software program for tracking, among other things, permits and inspections; and

WHEREAS, Administration and the Building Department solicited quotations from four companies which provide such software; and

WHEREAS, after reviewing each of the quotations, together with the capabilities of each program, Administration and the Building Department recommend that the Mitchell Humphrey Software be purchased for a price of \$14,700.00; and

WHEREAS, the Local Public Contracts Law (N.J.S.A. 40A:11-1, et seq.) allows contracts that do not exceed in a contract year the total sum of \$17,500.00 to be awarded without competitive bidding when so authorized by resolution; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award a contract to Mitchell Humphrey Software for the purchase of permit and tracking software for the Township of Marlboro Building Department.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that a contract for the purchase of permit and tracking software for the Township of Marlboro

Building Department be and hereby is awarded to Mitchell Humphrey Software for a price not to exceed \$14,700.00; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Mitchell Humphrey Software
- b. Charles Brady, Network Administrator
- c. John Cavaliere, Contstruction Official
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck Walrath LLP

The following Resolutions were introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn): Res. #2005-132 - Award of State Contract - 3 Pick-up Trucks - Warnock, Res. #2005-133 - Award of State Contract - 1 Pick-up Truck - Princeton Nassau, Res. #2005-134 - Award of Bid - Recycling, Res. #2005-135 - Award of Bid - Equipment Rental & Operator Service Admin./DPW, Res. #2005-136 - Award of Bid - Hammer Mill Grinder Rental, Res. #2005-138 - Redemption Tax Sale Certs. - Various, Res. #2005-139 - Refunds to WMUA - Various and Res. #2005-140 - Authorizing Fee for Tax Sale.

RESOLUTION # 2005-132

RESOLUTION AUTHORIZING THE PURCHASE OF THREE 2005 DODGE RAM 2500 4X4 PICKUP TRUCKS AND RELATED EQUIPMENT STATE CONTRACT #A53130

WHEREAS, the Marlboro Township Public Works Department has recommended that the Township purchase three 2005 Dodge Ram 2500 4 x 4 pickup trucks and related equipment as replacement trucks for the Department of Public Works from Warnock Fleet, 175 Route 10, PO Box 524, East Hanover, NJ 07936 under State Contract #A61128 for the amount of \$52,501.44; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any

contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide the said vehicles to the Township of Marlboro Department of Public Works; and

WHEREAS, funds are available in Capital Account Number 04-2004-0000-0021-004-01979 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said vehicles;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase three 2005 Dodge Ram 2500 4 x 4 pickup trucks and related equipment as replacement trucks for the Department of Public Works from Warnock Fleet, 175 Route 10, PO Box 524, East Hanover, NJ 07936 under State Contract #A61128 for the amount of \$52,501.44; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Warnock Fleet, East Hanover, NJ
- b. Township Administrator
- c. Township Department of Public Works
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-133

RESOLUTION AUTHORIZING THE PURCHASE OF ONE 2005 FORD F250
SUPERCAB SHORTBED 4X4 PICKUP TRUCK AND RELATED EQUIPMENT
STATE CONTRACT #A51903

WHEREAS, the Marlboro Township Public Works Department has recommended that the Township purchase one 2005 Ford F250 Supercab Shortbed 4 x 4 pickup truck and related equipment as a replacement truck for the Department of Public Works from Princeton Nassau/Conover Ford, 902 Route 206, Princeton, NJ 08540 under State Contract #A51903 for the amount of \$22,643.00; and

WHEREAS, pursuant to N.J.S.A. 40A:11-12, a municipality may, without advertising for bids, purchase goods under any contract for such goods entered into on behalf of the State by the Division of Purchase and Property in the Department of Treasury; and

WHEREAS, it is in the interest of the citizens of the Township of Marlboro, County of Monmouth and State of New Jersey to provide the said vehicle to the Township of Marlboro Department of Public Works; and

WHEREAS, funds are available in Capital Account Number 04-2004-0000-0021-004-01979 and have been certified to by the Chief Financial Officer of the Township of Marlboro; and

WHEREAS, the Township Council desires to approve the purchase of said vehicle;

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that authorization is hereby granted to purchase one 2005 Ford F250 Supercab Shortbed 4 x 4 pickup truck and related equipment as a replacement truck for the Department of Public Works from Princeton Nassau/Conover Ford, 902 Route 206, Princeton, NJ 08540 under State Contract #A51903 for the amount of \$22,643.00; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Princeton Nassau/Conover Road, Princeton, NJ
- b. Township Administrator
- c. Township Department of Public Works
- d. Township Chief Financial Officer
- e. Gluck Walrath, LLP

RESOLUTION # 2005-134

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO WASTE MANAGEMENT OF NEW JERSEY, INC. FOR THE PROVISION OF RECYCLING COLLECTION AND DISPOSAL SERVICES (CALENDAR YEARS 2005-2009) FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of recycling collection

and disposal services for the calendar years 2005 through 2009 for the Township of Marlboro Department of Public Works; and

WHEREAS, four (4) bids were received as follows:

1. M & S Waste Services, Inc. of Middletown, New Jersey for the following amounts:

Year 2005	\$276,000.00
Year 2006	\$284,400.00
Year 2007	\$295,800.00
Year 2008	\$307,200.00
Year 2009	\$319,200.00
Total:	\$1,482,600.00;

2. Waste Management of New Jersey, Inc. of Matawan, New Jersey for the following amounts:

Year 2005	\$335,436.00
Year 2006	\$345,492.00
Year 2007	\$356,724.00
Year 2008	\$368,316.00
Year 2009	\$380,292.00
Total:	\$1,786,260.00;

3. Freehold Cartage, Inc. of Freehold, New Jersey for the following amounts:

Year 2005	\$354,000.00
Year 2006	\$371,000.00
Year 2007	\$377,000.00
Year 2008	\$382,000.00
Year 2009	\$387,000.00
Total:	\$1,871,000.00; and

4. Central Jersey Waste & Recycling, Inc. of Hamilton, New Jersey for the following amounts:

Year 2005	\$383,400.00
Year 2006	\$406,404.00
Year 2007	\$430,788.24
Year 2008	\$456,635.52
Year 2009	\$484,033.68
Total:	\$2,161,261.44; and

WHEREAS, the bid of M & S Waste Services, Inc. is nonresponsive because the Consent of Surety provided is deficient and said bid is therefore rejected; and

WHEREAS, the Administration and the Director of Public Works have reviewed the other bids received and recommend that the contract be awarded to Waste Management of New Jersey, Inc. as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, Waste Management of New Jersey, Inc., for the provision of the aforesaid services.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the provision of recycling collection and disposal services for the calendar years 2005 through 2009 for the Township of Marlboro Department of Public Works be and hereby is awarded to Waste Management of New Jersey, Inc. and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Waste Management of New Jersey, Inc. for the provision of recycling collection and disposal services in accordance with the bid proposal submitted by Waste Management of New Jersey, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Waste Management of New Jersey, Inc.
- b. Director of Public Works
- c. Township Office of Public Information
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck Walrath, LLP.

RESOLUTION # 2005-135

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO LUCAS BROTHERS, INC. FOR THE PROVISION OF RENTAL EQUIPMENT AND OPERATOR SERVICE FOR THE TOWNSHIP OF MARLBORO DEPARTMENT OF PUBLIC WORKS' ANNUAL PAVEMENT MANAGEMENT PLAN

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the provision of rental equipment and operator service for the Township of Marlboro Department of Public Works' Annual Pavement Management Plan; and

WHEREAS, two (2) bids were received as follows:

1. Lucas Brothers, Inc. of 80 Amboy Road, Morganville, New Jersey for the following amounts:

	<u>Daily Rental Rate</u>	<u>Weekly Rental Rate</u>
Milling Machine	\$4,500.00	\$22,500.00
Paver	\$3,000.00	\$15,000.00
Tandem Dump Trucks	\$650.00	\$3,250.00
Triaxle Dump Truck	\$750.00	\$3,750.00
Vibratory Roller	\$500.00	\$2,500.00
Milling Machine (Mobilization)	\$1,000.00	
Paver (Mobilization)	\$1,000.00	

2. J. Manzo, Inc. of 55 Highway 34, Matawan, New Jersey for the following amounts:

	<u>Daily Rental Rate</u>	<u>Weekly Rental Rate</u>
Milling Machine	\$4,350.00	\$21,750.00
Paver	\$3,000.00	\$15,000.00
Tandem Dump Trucks	\$750.00	\$3,750.00
Triaxle Dump Truck	\$800.00	\$4,000.00
Vibratory Roller	\$1,800.00	\$9,000.00
Milling Machine (Mobilization)	\$950.00	
Paver (Mobilization)	\$950.00; and	

WHEREAS, the bid of J. Manzo, Inc. is nonresponsive because it failed to include a Consent of Surety as required

by the bid specifications in accordance with N.J.S.A. 40A:11-22 and is therefore rejected; and

WHEREAS, the Administration and the Director of Public Works have reviewed the one responsive bid received and recommend that the contract be awarded to Lucas Brothers, Inc. as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, Lucas Brothers, Inc., for the provision of the aforesaid services and products.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the provision of rental equipment and operator service for the Township of Marlboro Department of Public Works' Annual Pavement Management Plan be and hereby is awarded to Lucas Brothers, Inc. and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Lucas Brothers, Inc. for the provision of rental equipment and operator service in accordance with the bid proposal submitted by Lucas Brothers, Inc., which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Lucas Brothers, Inc.
- b. Director of Public Works
- c. Township Office of Public Information
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck Walrath, LLP.

RESOLUTION # 2005-136

A RESOLUTION AUTHORIZING THE AWARD OF A CONTRACT TO
BECKER'S TREE SERVICE, INC. FOR THE RENTAL OF ONE HAMMER
MILL GRINDER FOR THE TOWNSHIP OF MARLBORO
DEPARTMENT OF PUBLIC WORKS

WHEREAS, the Township of Marlboro has authorized the acceptance of bids for the rental of one hammer mill grinder for the Township of Marlboro Department of Public Works; and

WHEREAS, one (1) bid was received by Becker's Tree Services, Inc. of 3306 Shafto Road, Tinton Falls, New Jersey 07753 for a daily rental rate of \$3,000.00 and a weekly rental rate of \$15,000.00; and

WHEREAS, the Administration and the Director of Public Works have reviewed the bid received and recommend that the contract be awarded to Becker's Tree Service, Inc. as the lowest qualified bidder; and

WHEREAS, the Township Council finds that it would be in the best interest of the Township of Marlboro to award the contract to the lowest qualified bidder, Becker's Tree Service, Inc., for the provision of the aforesaid product.

NOW, THEREFORE, BE AND IT IS HEREBY RESOLVED, by the Township Council of the Township of Marlboro that the contract for the rental of one hammer mill grinder for the Township of Marlboro Department of Public Works be and hereby is awarded to Becker's Tree Service, Inc. and that the Mayor is authorized to execute a contract, in a form legally acceptable to the Township Attorney, between the Township of Marlboro and Becker's Tree Service, Inc. for the rental of said equipment for a daily rate not to exceed \$3,000.00 and a weekly rate not to exceed \$15,000.00 and in accordance with the bid proposal submitted by Becker's Tree Service, Inc. which is on file with the Township; and

BE IT FURTHER RESOLVED that the Chief Financial Officer is directed to file a Certificate of Availability of sufficient funds for this contract and to attach same to this Resolution; and

BE IT FURTHER RESOLVED, that a certified copy of this Resolution shall be provided to each of the following:

- a. Becker's Tree Service, Inc.
- b. Director of Public Works
- c. Township Office of Public Information
- d. Township Administrator
- e. Township Chief Financial Officer
- f. Gluck Walrath, LLP.

RESOLUTION # 2005-138

WHEREAS, the rightful owners of several properties have redeemed tax sale certificates totaling \$148,955.26 as per Schedule "A",

WHEREAS, the holders of the above-mentioned tax sale certificates are entitled to the amount of the sale plus interest and costs,

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the amount of \$148,955.26 be refunded to the certificate holders as per Schedule "A",

SCHEDULE "A"

<u>LIEN NO</u>	<u>BLOCK/LOT</u>	<u>LIEN HOLDER</u>	<u>AMOUNT</u>
91-46	157/12	Lauren & George Harrington	\$118,338.65
Route 520		40 Clover Hill Lane Colts Neck, NJ 07722	
03-18	176/121.01	Richard Simon, Trustee LLC	30,616.61
Route 520		P.O. Box 238 Northfield, NJ 08225-0238	
			<hr/>
TOTAL:			\$148,955.26

RESOLUTION # 2005-139

WHEREAS, current sewer charges totaling \$864.99 have been paid by the lienholder of the Tax Sale certificates as per Schedule "A",

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that the above-mentioned sewer charges in the amount of \$864.99 be refunded to the Western Monmouth Utilities Authority.

SCHEDULE "A"

<u>CERT#</u>	<u>BLOCK/LOT</u>	<u>LIENHOLDER</u>	<u>AMOUNT</u>
TSC#04-3 40 Wicker Place	109/6	Fernwood Funding, LLC	\$501.45
TSC#03-43 5 Lloyd Road	116/17	American Tax Funding	191.74
TSC#03-54 11 Regina Road	305/190	American Tax Funding	171.80
TOTAL:			<u>\$864.99</u>

RESOLUTION # 2005-140

WHEREAS, the Township of Marlboro will hold a Tax Sale on April 14, 2005; and,

WHEREAS, in accordance with N.J.S.A. 54:5 et seq, the Township of Marlboro is entitled to recover costs in connection with the tax sale including, but not limited to, advertising costs which may be estimated; and,

WHEREAS, the Township wishes to assess the cost of processing and administering all phases of the Tax Sale process against only the taxpayers who are delinquent and are thereby causing the incurrence of said expenses.

NOW, THEREFORE, BE IT RESOLVED by the Council of the Township of Marlboro that, Shirley Giaquinto, Tax Collector, be and hereby is authorized and directed to charge and collect a fee of 2% per line item of the amounts to be sold at Tax Sale, minimum \$15.00, maximum \$100.00.

The following Resolution # 2005-142 (Special Meeting - March 24th - Litigation and COAH) was introduced by reference, offered by Council Vice President Morelli, seconded by Council President Pernice and passed on a roll call vote of 4 - 0 in favor (Absent: Denkensohn).

RESOLUTION # 2005-142

BE IT RESOLVED by the Marlboro Township Council that a "Special" Council Meeting will be held on March 24, 2005 at 8:00 PM at the Marlboro Municipal Complex (New Caucus Room), 1979 Township Drive, Marlboro, N.J. 07746. The purpose of the special meeting is to hold an executive session for the purpose of discussing ongoing litigation, COAH and acquisition

of property. Citizen's Voice will be limited to 15 minutes. It is anticipated that no action will be taken.

At 11:15PM, Councilman Cantor moved that the meeting be opened. This was seconded by Councilman Mione, and as there was no objection, the Clerk was asked to cast one ballot.

At 11:17PM, Councilman Cantor moved that the meeting be adjourned. This was seconded by Councilman Mione, and as there was no objection, the Clerk was asked to cast one ballot.

MINUTES APPROVED: April 21, 2005

OFFERED BY: Mione AYES: 5

SECONDED BY: Cantor NAYS: 0

ALIDA DE GAETA
MUNICIPAL CLERK

JOSEPH PERNICE
COUNCIL PRESIDENT